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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,271	02/06/2006	Junbiao Zhang	PU030241	9732

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EXAMINER	
VU, PHY ANH TRAN	

ART UNIT	PAPER NUMBER
2437	

NOTIFICATION DATE	DELIVERY MODE
09/16/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/567,271	ZHANG ET AL.	
	Examiner	Art Unit	
	PHY ANH VU	2437	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 June 2011*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5)☒ Claim(s) *1-31* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-31* is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

In view of the Appeal Brief filed on 6/22/2011, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below. To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-6, 10-13, 16-20, 22-27, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over WIPO (W/O 03/061189, which has an English version as US Patent 7,392,393 B2, Examiner will use this patent as a

translation of the WIPO, hereinafter Taki), and further in view of Hurtado et al. (US 2003/0105718 A1, hereinafter Hurtado).

Regarding claim 1, Taki discloses a device, located at a remote site in communication with a network having at least one server and a content requester (*Figure 1; wherein the home PC (device) & mobile information terminal (content requester) communicate with content distribution server*), comprising:

a processor in communication with a memory (*Figures 1 & 2, processor in home PC*), said processor operable to execute code for:

receiving a first information item comprising a content key scrambled using a key known by said device (*Figure 3 step 8; column 13, lines 14-18 , wherein the second information processing apparatus receives the encrypted key data, which is encrypted using Ksec*),

descrambling said first information item using the key known by said device (*Column 13, lines 15-27, wherein the second processing apparatus decrypts the encrypted key data using the shared secret key Ksec*).

receiving a second information item scrambled using said content key (*Figure 3, step 8, signed content data*).

Taki does not disclose the first information item comprising an access code, said access code generated by said at least one server in response to a request for a second information item provided by the content requester, said processor operable to execute code for:

transmitting said access code to a server hosting said second information item; and

receiving said second information item scrambled using said content key after said server hosting the second information item verifies said access code.

However, Hurtado discloses a first information item comprising an access code (*Figure 1, [0229] page 12, steps 138-142, transaction ID*), said access code generated by an at least one server in response to a request for a second information item provided by a content requester (*Figure 1, [0229] page 12, step 138*), a processor operable to execute code for:

transmitting the access code to a server hosting the second information item (*Figure 1, [0229] steps 141-142, Order SC which contains transaction ID is sent to Clearinghouse*); and

receiving the second information item scrambled using a content key after said server hosting the second information item verifies said access code (*Figure 1, [0229] page 13, steps 143-148, after the Clearinghouse verifies that none of data has been tampered with, encrypted content is sent to user*).

One of ordinary skill in the art at the time the invention was made would have been motivated to modify the device of Taki to include the features disclosed by Hurtado to ensure the protection and security of digital assets distributed electronically (*[0005]*).

Regarding claim 2, Taki and Hurtado also disclose wherein said processor is further operable to execute code for:

descrambling said second information item using said content key (*Taki-column 13, lines 19-27; column 14, lines 42-56; Hurtado-[0229], step 148*).

Regarding claim 3, Hurtado also discloses said first information item includes a use-limit indication (*[0229], step 138, usage condition*).

Regarding claim 4, Hurtado also discloses transmitting said access code in unencrypted form (*[0229], wherein Order SC is sent to Clearinghouse*), said transmitting being selected from the group consisting of : automatically, at a predetermined time, at a predetermined time offset, responsive to a manual input (*[0229], step 141, Order SC is sent based on the time user requested*).

Regarding claim 5, Taki and Hurtado also disclose said content key is selected from the group consisting of: a public key, a shared key (*Taki-column 12, lines 59-63, Ksig. Hurtado-[0229] steps 144-148, symmetric key*).

Regarding claim 6, Hurtado also discloses said use-limit indication is selected from the group consisting of: number of uses, time-period (*[0010][0158]*).

Claim 10 is rejected for the same rationale as claim 1 above.

Claim 11 is rejected for the same rationale as claim 3 above.

Claim 12 is rejected for the same rationale as claim 5 above.

Claim 13 is rejected for the same rationale as claim 6 above.

Regarding claim 16, Taki discloses a method for transferring secure content over a network comprising the steps of:

receiving a request for content at a first server over a first network from a file requesting device, said request including an encryption key known to a designated remote site (*Figure 3, steps 1 and 6; Column 12, lines 23-29, wherein the mobile information terminal sends a request to the content distribution server for downloading a content to the home PC. Part of the request includes the shared secret key Ksec*);

generating a first information containing a content key at said first server in response to said request for content by said file requesting device (*Figure 3, step 3; column 2, lines 49-64, column 12, lines 59-63, content-signing key*);

transferring said first information item to said designated remote site having a file receiving device, wherein said content key is scrambled using said encryption key (*Figure 3, step 8; column 13, lines 14-18, wherein encrypted key data [E(Ksec, Ksig)] is transferred to home PC*);

Taki does not disclose the first information containing an access code, receiving said access code from said designated remote site having said file receiving device; and

transferring secure content over a second network after verification of said access code, wherein said secure content is encrypted using said content key.

However, Hurtado discloses a first information containing an access code (*Figure 1, [0229] page 12, steps 138-142, transaction ID*),

receiving said access code from a designated remote site having file receiving device (*Figure 1, [0229] steps 141-142, Order SC which contains transaction ID from user device is received at Clearinghouse*); and

transferring secure content over a second network after verification of said access code, wherein said secure content is encrypted using a content key (*Figure 1, [0229] page 13, steps 143-148, after the Clearinghouse verifies that none of data has been tampered with, content encrypted with symmetric key is sent to user*).

One of ordinary skill in the art at the time the invention was made would have been motivated to modify the device of Taki to include the features disclosed by Hurtado to ensure the protection and security of digital assets distributed electronically (*[0005]*).

Regarding claim 17, Taki and Hurtado also discloses said first network and said second network are the same network (*Taki-Figure 1; Hurtado-Figure 6, [0777]-[0779]*).

Regarding claim 18, Taki also discloses said file requesting device is selected from the group consisting of: personal digital assistant, cellular telephone, notebook computer and personal computer (*Figures 2 and 3; mobile information terminal*).

Regarding claim 19, Taki also discloses said file receiving device is selected from the group consisting of: personal digital assistant, cellular telephone, notebook computer and personal computer (*Figures 2 and 3 home PC*).

Regarding claim 20, Taki also discloses said first network is a wireless network (*Figure 1, element 130 & 150, wherein the mobile terminal communicates with the content distribution server via wireless connection, thus implies that the network is wireless*).

Regarding claim 22, Hurtado also discloses transmitting said content to at least one other server in communication with said first server, wherein said content is scrambled using said content key (*[0229] steps 125-129, wherein Content SC is sent to Content Hosting Site*).

Regarding claim 23, Hurtado also discloses transferring over a second network said secure content after verification of said access code, wherein said secure content is scrambled using said content key (*Figure 1, [0229] page 13, steps 143-148, after the Clearinghouse verifies that none of data has been tampered with, content encrypted with symmetric key is sent to user).*

Regarding claim 24, Taki and Hurtado also disclose the step of transferring said access code and said content key is over said first network (*Taki-figure 3, step 4; Hurtado, [0229], steps 138-139*).

Regarding claim 25, Taki and Hurtado also disclose transferring said access code and said content key is over said second network (*Taki-Figure 3, step 8; Hurtado-[0229], step 141-143*).

Regarding claim 26, Taki and Hurtado also discloses wherein said second network is a high-speed network (*Figure 1, internet; Hurtado-[0747][0776]*).

Regarding claim 27, Taki and Hurtado also disclose said second network is a content delivery network (*Taki-Figure 3, step 8; Hurtado-[0229] steps 144-148*).

Regarding claim 29, Hurtado also discloses the transmitting step is performed after a predetermined time from when an initial request for said second information item is sent to said at least one server (*[0229] step 141, based on the time user requested*).

Regarding claim 30, Hurtado also discloses the transmitting step is performed after a predetermined delay from when an initial request for said second information item is sent to said at least one server (*[0229] step 141, based on the time user requested*).

Regarding claim 31, Hurtado also discloses the transmitting step is performed after a predetermined delay from when an initial request for said second information item is sent to said at least one server (*[0229] step 141, based on the time user requested*).

Claims 7-9, 14-15, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taki, Hurtado and further in view of WIPO (WO 01/32026 A1, hereinafter Hendrick).

Regarding claim 7, Taki and Hurtado do not disclose wherein said first information item further includes a content location.

However, Hendrick discloses content location (*Page 8, lines 4-5, wherein location of content is transmitted to the PC*).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the feature disclosed by Hendrick into the system of Taki and Hurtado to provide the destination of the content in a timely manner.

Regarding claim 8, Hendrick also discloses transmitting content location (*Page 8, lines 4-5, wherein the location of the content is transmitted to the PC, therefore, it's implied that a processor is operable to execute code for transmitting content location*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature disclosed by Hendrick into the system of Taki and Hurtado to provide the destination of the content in a timely manner.

Regarding claim 9, Hendrick also discloses transmitting content location to PC (*Page 8, lines 4-5, wherein the location of the content is sent to the PC, which implies that the location of content is already known*).

Claim 14 is rejected for the same rationale as claim 7 above.

Claim 15 is rejected for the same rationale as claim 9 above.

Claim 21 is rejected for the same rationale as claim 7 above.

Claim 28 is rejected for the same rationale as claim 9 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHY ANH VU whose telephone number is (571)270-7317. The examiner can normally be reached on Wed 7:30-11:30, TH-F 8-4:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eleni Shiferaw can be reached on 571-272-3867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PHY ANH VU/
Examiner, Art Unit 2437

/Eleni A Shiferaw/

Supervisory Patent Examiner, Art Unit 2437